MST

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.5784 OF 2005
IN
FIRST APPEAL NO.2326 OF 2005

The State of Maharashtra Appellant
versus
Tarabai N. Gaikwad, since
deceased through LRs Respondents

Mr.S.N.Gawade, AGP for appellant.

CORAM : A.S.OKA, J.

DATE : 01st March 2007

PC :

1. Heard learned A.G.P. for the State.

2. The impugned judgement and award is in the nature of a money decree. Hence, unconditional stay cannot be granted.

3. The execution and operation of the impugned judgement and award will remain stayed till the final disposal of the First Appeal subject to condition of the applicant depositing the entire amount due and payable as per the impugned award with the Reference Court within a period of twelve weeks from today. If the deposit of the entire amount is not made within the stipulated

period, the interim stay granted will stand forthwith vacated without further reference to the Court.

4. If the amount as aforesaid is deposited, the Claimants will be permitted to withdraw the said amount subject to furnishing adequate security for the said amount to the satisfaction of the Reference Court. The Reference Court will hear the applicant before accepting the security.

5. Civil Application is disposed off in the above terms.

6. Liberty to the respondents to apply for modification of this order as the same is passed without issuing notice of this application.

(A.S.OKA, J.)